REMARKS

The non-final Office Action, mailed December 1, 2005, considered claims 1-32, 39-46 and 51. Claims 1-32, 39-46, and 51 were rejected under 35 U.S.C. 102(e) as being anticipated by Faris et al. (U.S. Patent No. 6,659,861).[1]

By this paper, claims 1, 9, 17, 25 and 39 have been amended, claims 52-54 added, and claim 51 cancelled.[2] Accordingly, following this paper, claims 1-32, 39-46 and 52-54 are pending, of which claims 1, 9, 17, 25 and 39 are the only independent claims at issue.

The present invention is directed to embodiments in which applications within a network are distributed between a client node and a central server. For example, as recited in claim 1, a method for dynamically distributing a feature application across a node and central server in a system is claimed. In the system, each of one or more nodes is connected with a central server, and the content is delivered to the one or more nodes. As further recited in the claim, the method includes loading a node application at the node after the node requests the node application from the central server, and selecting the feature application for distribution across the node and the central server, while the feature application includes both a user interface portion and a process portion. As further clarified in the above claim listing, the central server receives audio and video content from a broadcast source. In addition, the method includes loading the user interface portion at the node application, making a request, by the user interface portion, to the process portion for data, receiving processed data from the process portion, and presenting the processed data at the node.

Claim 9 recites similar limitations, but is directed to a computer program product. Similar limitations are also recited in claim 39, which further recites one or more service portions

[1] Although the prior art status and some of the assertions made with regard to the cited art is not being challenged at this time, inasmuch as it is not necessary following the amendments and remarks made herein, which distinguish the claims from the art of record, Applicants reserve the right to challenge the prior art status and assertions made with regard to the cited art, as well as any official notice, which was taken in the last office action, at any appropriate time in the future, should the need arise, such as, for example in a subsequent amendment or during prosecution of a related application. Accordingly, Applicants' decision not to respond to any particular assertions or rejections in this paper should not be construed as Applicants acquiescing to said assertions or rejections.

[2] Support for the claim amendments and the new claims can be found in the originally filed application. For instance, paragraphs [005], [013], [014], [041], [043], [044] and [054] and Figure 2 of the original application provide support for the amendments and new claims. Accordingly, Applicants respectfully submit that no new matter is being added and entry of the amendments and new claims is respectfully requested.

created by the user interface portion on either the node or the central server. In addition, claims 17 and 25 recite a method and computer program product, respectively, in a similar system that includes one or more nodes each of which are connected with a central server. In the recited claims, the central server which receives broadcast data receives a request for a node application from the node, and also receives a request for a feature application. In addition, the node application is sent, and a user interface portion of the feature application is delivered, to the node. Each request from the user interface portion is processed by a process portion on the central server, and the user interface portion is provided with the results of each request, while the user interface portion presents the results to the user.

While Faris generally relates to client-server type inter-networked computer systems, Applicants respectfully submit that the cited art fails to anticipate or make obvious the claimed invention. For example, the cited art fails to disclose or suggest, among other things, a system, method, or computer program product in which a central server receives audio and video content from a broadcast source (claims 1, 9, 17, 25 and 39) or in which a feature application is distributed across a node and central server (claims 1, 9 and 39). In addition, Faris fails to teach or suggest that a node application is requested by a node from the central server (claims 1, 9 and 39), a central server that receives a request for a node application from the node (claims 17 and 25), or a central server that receives a request for the feature application (claims 17 and 25). In addition, Faris fails to teach or suggest processing each request from the user interface portion by a process portion of the feature application that is executed on the central server (claims 17 and 25), or one or more service portions created by the user interface portion on either the node or the central server when data is needed (claim 39), as recited in combination with the other recited claim elements.

Specifically, Faris discloses an Internet-based system which enables a time-constrained competition among thousands or even millions of competitors. (Abstract; Col. 1; ll. 19-29; Col. 16, ll. 27-32). Initially, Faris describes the contest-promoting system which comprises a number of integrated components, including: "a primary server 100; one or more web servers 110; a login server 120; a contestant database 130; a query/answer database 140; one or more game servers 150; and a plurality of client machines 160." (Col. 17, ll. 57-62). In addition, the primary server and each game server 150 include a GPS receiver for receiving atomic time

information from a GPS satellite 180. (Col. 17, ll. 63-66; Col. 39, ll. 52-56). In addition, each client machine includes a global synchronization unit 175 (GSU) which includes a GPS receiver and antenna for receiving atomic time information (Col. 17, ll. 63-66; Col. 25, ln. 66 to Col. 26, ln. 2; Col. 39, ll. 52-56).

In operation, the contest-promoting system allows a user to participate in a competition against a number of remote competitors. However, a competitor's client machine must be enabled before participation is allowed. In addition to standard computer hardware, a client machine requires a web browser that allows registration with the contest system and download of necessary software components. (Col. 19, ll. 30-41). These software components include a contest client which is the primary interface between the contestant and the contest system, and which presents queries, receives contestant responses, and sends the responses to the appropriate game server. (Col. 19, ll. 44-47). This contest software is downloaded from web server 110 to the contestant's client machine 160, where it is thereafter installed. (Col. 28, ln. 66 to Col. 29, ln. 7).

Having then installed the software, the client machine may contact login server 120, which accepts login requests from each contestant's client machine and chooses which game server should be utilized by the various client machines, and assigns an appropriate game server to that client. (Col. 20, ll. 11-17; Col. 23, ll. 2-3, 20-23; Col. 29, ll. 55-58). The login server also distributes processing and communications loads among various game servers. (Col. 20, ll. 18-20).

With the login complete, the client machine may receive encrypted queries and start-times for the competition. All of the queries and their answers originate from contest designers who are typically human beings, and which are entered into the query/answer database. (Col. 30, ll. 58-65). Before the contest begins, the game server associated with a client machine sends a request message to the primary server, such that the primary server will respond with a query. (Col. 30, ln. 66 to Col. 31, ln. 27). To obtain the query, the primary server then accesses the query answer database, after which the primary server sends a message back to the game server which contains a query as well as a start time for the query. (Col. 20, ll. 33-39; Col. 30, ln. 66 to Col. 31, ln. 27). The game server then decrypts the message, and creates a new massage which is sent to the client machine. (Col. 31, ll. 28-36). In this manner, Faris teaches a hierarchical

arrangement of servers in which "primary server 100 acts as the root node of a tree-type interconnection of computers" and the leaves of the tree "are formed by the client machines 160 connected to the system," while "a layer of game servers 150 [] act as intermediaries (or 'branch structures') between the primary server 100 and the client machines 160." (Col. 20, ln. 66 to Col. 21, ln. 5). Stated another way, the primary server 100 indirectly communicates with each client machine through multiple game servers, each of which communicate with only a limited number of all the client machines.

Faris further teaches that the received query message is stored on the client machine along with the start-time. (Col. 31, ll. 37-41). Thereafter, the client machine loads the query and start time to the GSU which decrypts the query just before the desired start-time and downloads the query to the client machine. (Col. 34, ll. 63-67). The query is then drawn on the screen and the client machine waits for a response from the contestant. (Col. 34, ln. 65 to Col. 35, ln. 21).

Faris also discloses that, in at least some embodiments, the primary server, game servers, and client machines communicate with a GPS satellite. The primary function of such a communication is to receive time signals which are used to ensure that queries are synchronously presented to each competitor. (Col. 23, ll. 43-53).

Further, in an alternative embodiment, Faris describes a system in which contestants are captured by video-enabled client machines during the competition. (Col. 43, ll. 16-18). The video images of each contestant may thereafter be combined with data generated by the primary server and broadcast to a spectator's television set via cable, satellite, and/or radio waves. (Col. 43, ll. 30-59). In this manner, spectators can passively observe contests on a conventional television set. (Col. 43, ll. 63-66).

In yet another alternative embodiment, Faris teaches a system allowing participation by contestants thorough a television-based client machine which includes a standard television, a set-top client machine and a remote-control input device. (Col. 44, ll. 3-7). In this embodiment, the set-top box acts much like a computer client machine; however, the set-top client receives a video signal which contains live video and additional data in the vertical blanking interval (VBI). (Col. 44, ll. 13-29). In addition, however, the contest client is proprietary firmware stored in tamper-resistant EPROM. (Col. 44, ll. 19-26, 45-51).

Accordingly, Faris teaches, in alternative embodiments, client machines which receive queries (i) from a central server which in turn accesses a database to obtain the queries; or (ii) embedded within a television broadcast, but fails to teach a central server which receives audio and video content from a broadcast source as claimed in combination with the other recited claim elements (claims 1, 9, 17, 25 and 39). In particular, in the first system, queries appear to be stored in a database and selectively accessed by the primary server, rather than being received via a broadcast. In addition, in the alternative system, Faris merely describes additional system components for use with data broadcast in the VBI, but fails to teach or suggest that the video signal is received by a central server from a broadcast source as claimed in combination with the other recited elements. In fact, Faris describes the primary server as retrieving data from two databases, but fails to disclose any contact between the primary server and any broadcast source. Further, inasmuch as Faris discloses that game servers decode queries prior to sending the same to client machines, if any described system component receives a broadcast video signal, it appears that it would be a game server which may then encode queries into the signal.

In addition, Applicants respectfully submit that Faris fails to teach or suggest distributing a feature application a node and central server in which a process portion of the feature application is loaded on the central server, as claimed in combination with other recited elements (claims 1, 9 and 39). In fact, Faris instead appears to merely teach that the primary server runs two top-level applications, i.e., a primary server daemon which manages communications with game servers, and a contest management interface for interaction with human operators managing a contest. (Col. 18, ll. 44-52). Further, the login server intelligently distributes processing *among the game servers*, rather than the primary server. (Col. 20, ll. 15-17).

Moreover, while Faris appears to teach a contest client on a client machine, the contest client is either downloaded from a web server (rather than a primary server or even a game server) or is firmware on a set-top box. Faris fails, however, to disclose wherein the node application was requested by the node from the central server (claims 1, 9 and 39), a central server that a request for the node application from the node (claims 17 and 25), or a central server that receives a request for a feature application (claims 17 and 25).

Applicants also respectfully submit that Faris also fails to teach or suggest processing each request from a user interface portion of the feature application by a process portion of the

feature application that is executed on the central server as claimed in combination with the other recited elements (claims 17 and 25). In fact, as noted previously, Faris contrastingly discloses that processing is distributed among game servers rather than a central server. Moreover, the primary server sends queries in response to requests that appear to be generated by game servers, rather than client servers (claims 17 and 25).

Applicants also respectfully submit that Faris fails to teach or suggest a feature application which includes a user interface portion and one or more service portions that are *created by the user interface portion* on either the node or the central server when data is needed, as claimed in combination with the other recited claim elements (claims 39). In contrast, Faris fails to teach that a user interface portion creates any portion within a feature application, let alone a service portion, and further teaches that that the login server determines how processes are distributed. (Col. 20, ll. 18-20).

Accordingly, for at least these reasons, Applicants respectfully submit that the independent claims are allowable over the cited art. Moreover, inasmuch as each independent claim is allowable over the cited art, it will also be appreciated that all other rejections of record with respect to the dependent claims are now moot and therefore need not be addressed individually.

However, with respect to the newly added claims, Applicants further note that Faris fails to teach or suggest a method in which a central server acts as a gateway to a home network (claim 52). In addition, the cited reference further fails to teach or suggest processed data distributed to one or more nodes through a single server (claim 53). In fact, the contest-promoting system in Faris includes multiple servers including a primary server, one or more login servers, one or more web servers, and multiple game servers.

Further, Faris fails to teach or suggest wherein selecting the feature application for distribution includes selecting the feature application using the node application requested from the central server (claim 54). Instead, Faris appears to merely disclose using a web browser to select a contest client for download from a web server. Faris fails to disclose, however, that the web browser is requested from a central server, or even that the contest client is requested from a central server.

Therefore, for at least the foregoing reasons, Applicants submit that the claimed invention is allowable over the cited art. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 7 day of February, 2006.

Respectfully submitted,

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